



PATENT APPLICATION
CS-8479
LeA 36,187

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION OF)
RALF DUNKEL ET AL) GROUP NO: 1626
SERIAL NO.: 10/530, 513) EXAMINER: LAURA L. STOCKTON
FILED: APRIL 6, 2005) CONFIRMATION NO: 8299
TITLE: THIAZOLYL BIPHENYL AMIDES)

DECLARATION UNDER 37 CFR 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Ulrike Wachendorff-Neumann of Oberer Markweg 85, 56566 Neuwied, Germany, a citizen of Germany, declare as follows:

1. I am an entomologist having studied at the University of Bonn, Germany, where I received the degree of doctor rer. nat. in the year 1982; I specialized in the field of entomology and phytopathology; and I entered the employ of Bayer Aktiengesellschaft, Leverkusen, Germany, in 1982, where I have been employed in the department for the biological development of chemical compounds for plant diseases at Monheim, Germany, and after the spin-off to form Bayer CropScience AG I am now an employee of this company in the department of Global Biology Fungicides.

2. I am familiar with the subject matter of the above-identified United States patent application.

3. The following experiments with the following results have been carried out under my supervision and direction:

Example Set I: *Sphaerotheca* test (cucumbers) / protective

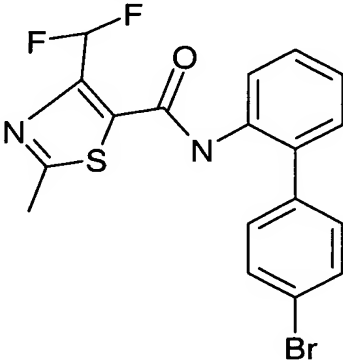
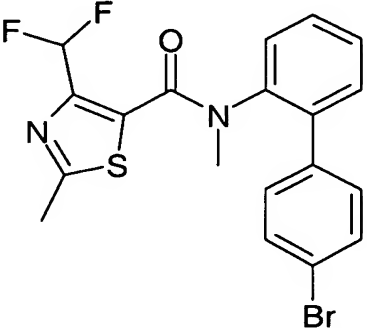
Solvent: 24.5 parts by weight of acetone
24.5 parts by weight of dimethylacetamide
Emulsifier: 1 part by weight of alkylaryl polyglycol ether

To produce a suitable preparation of active compound, 1 part by weight of active compound is mixed with the stated amounts of solvent and emulsifier, and the concentrate is diluted with water to the desired concentration.

To test for protective activity, young plants are sprayed with the preparation of active compound at the stated rate of application. After the spray coating has dried on, the plants are inoculated with an aqueous spore suspension of *Sphaerotheca fuliginea*. The plants are then placed in a greenhouse at approximately 23°C and a relative atmospheric humidity of approximately 70%.

The test is evaluated 7 days after the inoculation. 0% means an efficacy which corresponds to that of the control, while an efficacy of 100% means that no disease is observed. Test results are shown in the following Table II.

Table I: Sphaerotheca test (cucumbers) / protective

Active compound	Rate of application of active compound in ppm	Efficacy in %
According to CA 2474902 (Ex. 2):		
Ex. A 	10	78
According to the invention (Ex. 6):		
Ex. B 	10	89

Example Set II: *Sphaerotheca* test (cucumbers) / systemic

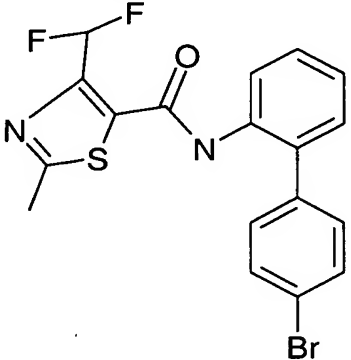
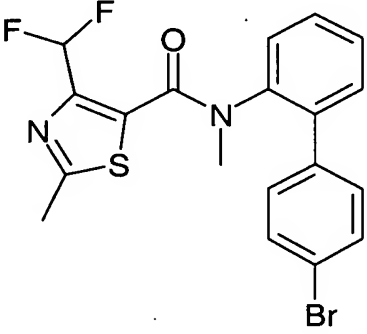
Solvent: 24.5 parts by weight of acetone
24.5 parts by weight of dimethylacetamide
Emulsifier: 1 part by weight of alkylaryl polyglycol ether

To produce a suitable preparation of active compound, 1 part by weight of active compound is mixed with the stated amounts of solvent and emulsifier, and the concentrate is diluted with water to the desired concentration.

To test for systemic properties, the preparation of active compound is poured at the stated rate of application onto a substrate in which young plants are ready to be tested. The plants are placed in a greenhouse at approximately 23°C and a relative atmospheric humidity of approximately 70%. Four days after the treatment, the plants are inoculated with an aqueous spore suspension of *Sphaerotheca fuliginia*.

The test is evaluated 7 days after the inoculation. 0% means an efficacy which corresponds to that of the control, while an efficacy of 100% means that no disease is observed. Test results are shown in the following Table II.

Table II: Sphaerotheca test (cucumbers) / systemic

Active compound	Rate of application of active compound in ppm	Efficacy in %
According to CA 2474902 (Ex. 2):		
<p>Ex. C</p> 	100	0
According to the invention (Ex. 6):		
<p>Ex. D</p> 	100	100

4. The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Signed at Monheim, this 2nd day of April, 2008.

A handwritten signature in cursive script, appearing to read 'Ulrike Wachendorff-Neumann', written over a horizontal line.

Ulrike Wachendorff-Neumann